

**IN THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application. An identifier indicating the status of each claim is provided.

**Listing of Claims**

1. (Original) A recording and reproducing apparatus in which recording and reproduction from an existing format cassette having an existing erroneous erasure prevention means for preventing erroneous erasure of data recorded with an existing format is performed and recording and reproduction of a new format cassette having a first erroneous erasure prevention means at a position corresponding to the position of said existing erroneous erasure prevention means and having a second erroneous erasure prevention means for preventing erroneous erasure of data recorded with a new format is performed,

wherein when reproduction is performed, whether the cassette is the existing format cassette or the new format cassette is judged based on data obtained from the reproduction of the existing format and new format cassettes to perform reproduction.

2. (Original) The recording and reproducing apparatus according to claim 1, wherein in said new format cassette, the first erroneous erasure prevention means is always kept in a state of preventing the erroneous erasure.

3. (Original) The recording and reproducing apparatus according to claim 1, wherein said first and second erroneous erasure prevention means are formed of detection holes

to perform the erroneous erasure prevention by detecting an open or closed state of the detection holes.

4. (Original) The recording and reproducing apparatus according to claim 1, wherein said second erroneous erasure prevention means is composed of a magnetized member having a polarity to perform the erroneous erasure prevention by detecting an alteration of a magnetic field generated by said member.

5. (Original) The recording and reproducing apparatus according to claim 3, further comprising a control circuit in which when it is detected that the detection hole of said first erroneous erasure prevention means is in a closed state, it is judged that a loaded cassette is the cassette of the existing format to be in a recordable state; when it is detected that the detection hole of said first erroneous erasure prevention means is in an open state and the detection hole of said second erroneous erasure prevention means is in an open state, it is judged that a loaded cassette is the cassette of the new format to be in a recordable state; and when it is detected that the detection hole of said first erroneous erasure prevention means is in an open state and the detection hole of said second erroneous erasure prevention means is in a closed state, it is judged that a loaded cassette is the cassette of the existing format or the new format to be in a non-recordable state.

6. (Original) The recording and reproducing apparatus according to claim 5, further comprising a control circuit in which when it is detected that the detection hole of said first erroneous erasure prevention means is in the open state and the detection hole of said second

erroneous erasure prevention means is in the closed state, the reproduction is performed to judge whether the cassette is of the existing format or the new format.

7. (Canceled)